

Message Text

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ACTION AF-04

INFO OCT-01 SS-14 ISO-00 L-01 INR-05 PM-03 PRS-01 SP-02

NSC-05 NSCE-00 DODE-00 CIAE-00 /036 W

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R 1801400Z JUL 75

FM AMEMBASSY KIGALI

TO SECSTATE WASHDC 3588

INFO AMEMBASSY KINSHASA

C O N F I D E N T I A L KIGALI 425

LIMDIS

KINSHASA ALSO FOR DEFATT

E.OM11652:GDS

TAGS: PDIP

SUBJECT: NON-ACCREDITATION DEFENSE ATTACHE

REF: KIGALI 380

1. BEGIN SUMMARY - AMB MAKES INFORMAL DEMARCHE CHALLENGING
LEGAL BASIS GOR NOTE. FORMAL EMB REPLY WILL BE PREPARED
FOLLOWING RECEIPT GOR COMMENTS (OR NON-RESPONSE) AND DEPT
CLEARANCE. EMB WISHES DEMONSTRATE USG GOOD NATURE CANNOT BE
TAKEN FOR GRANTED. END SUMMARY

2. FONMIN REACTION - AS PER PARA 5 REFTTEL, AMB RAISED
DEFATT NON-ACCREDITATION INFORMALLY WITH FONMIN NSEKALIJE
DURING MUTUAL ATTENDANCE FOREIGN RECEPTION. DURING BRIEF
CONVERSATION, AMB EXPRESSED SURPRISE AT RECEIPT GOR NOTE IN
VIEW DEFATT PREVIOUS VISIT RWANDA AND ATTENDANCE OFFICIAL
FUNCTIONS. FONMIN REPLIED DOSSIER INDICATED DEFATT HAD
NEVER RECEIVED FORMAL GOR AGREEMENT. HOWEVER, FONMIN ALSO
INFERRED INSTRUCTIONS TO SEND NOTE HAD ORIGINATED MINISTRY
DEFENSE AND THAT DECISION COULD NOT BE EXCLUDED FROM "EVENTS
IN ZAIRE". WE AGREED MEET FOLLOWING WEEK DISCUSS MATTER
BUT FONMIN DEPARTED UNEXPECTEDLY JULY 10 (FOR ZAIRE).
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3. INFORMAL COMMENTS - AMB ACCORDINGLY CALLED ON FONMIN SECGEN (AND ACTING FONMIN) NGARUKIYINTWALI JULY 15. DURING DETAILED DISCUSSION, AMB NOTED THAT CONTRARY ASSUMPTION REFLECTED GOR NOTE, USG AND EMB HAD LEGITIMATE BASIS BELIEVE DEFATT ACCREDITED SINCE (A) HE HAD VISITED RWANDA, MET OFFICIALS (ALBEIT INFORMALLY) AND ATTENDED OFFICIAL FUNCTIONS AND (B) ART. 7 VIENNA CONVENTION (CITED BY GOR IN ITS NOTE) STATES FORMAL AGREEMENT IS OPTIONAL FOR MILATTS. USG FOLLOWS POLICY RECIPROCITY ON AGREEMENTS AND ACCORDING OUR RECORDS, GOR DID NOT RESPOND NOMINATION PREVIOUS DEFATT IN 1972 WHOM BOTH GOVERNMENTS CONSIDERED ACCREDITED. (SECGEN CHALLENGED GOR NON-RESPONSE BUT WAS UNABLE FIND DOCUMENT SUPPORTING HIS POSITION). AMB NOTED THAT IF BASIS EXISTS UNDER INT'L CUSTOM FOR DEFATT TO BE CONSIDERED ACCREDITED, GOR ACTION COULD BE INTERPRETED AS PNG ACTION. SECGEN RESPONDED PNG IN NO WAY INVOLVED -- GOR NOTE WAS MERELY NOTIFICATION NON-ACCREDITATION.

4. REFERRING GOR STATEMENT REQUIRING MILATTS "RESIDE RWANDA IN ORDER RENDER FRUITFUL COOPERATION". AMB INQUIRED IF US DEFATT ONLY NON-RESIDENT ATTACHE (WE AWARE FRANCE HAS NON-RESIDENT ATTACHE ALSO LOCATED KINSHASA). SECGEN RESPONDED BY NOTING STATUS FRENCH ATTACHE UNDER INTERNAL GOR REVIEW AND FRENCH AMBASSADOR "CONCERNED". COMMENT: WE AWARE FRENCH RESIDENT MILITARY AID MISSION WILL SOON BE ESTABLISHED KIGALI AND MATTER WILL PROBABLY BE RESOLVED IN THAT CONTEXT.

5. FUTURE ACTION - SECGEN AVOIDED BEING DRAWN INTO ANY COMMENT BASIS GOR POSITION OTHER THAN STATED IN NOTE (NON-RESIDENCE, NEVER FORMALLY ACCREDITED ETC). HE DID UNDER-TAKE SERVE AS "CONVEYOR" MY "INFORMAL COMMENTS" AND APPEARED APPRECIATE DEFERRAL FORMAL EMB RESPONSE PENDING ANY ADDITIONAL COMMENTS HIS SIDE. EMB WILL EVENTUALLY PREPARE DRAFT REPLY NOTE TAKING INTO ACCOUNT GOR COMMENTS OR NON-RESPONSE AND SEEK APPROPRIATE CONCURRENCE FROM DEPT ON LANGUAGE.

6. COMMENT: AS NOTED REFTEL. GOR HAS SOVEREIGN RIGHT REFUSE ACCREDITATION WITHOUT COMMENT. HOWEVER, I AM AS CONCERNED ABOUT MANNER GOR ACTION AS ITS SUBSTANCE
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EVEN IF THEIR POSITION BASED ON MISINTERPRETING MONITORED CABLE (PARA 4 REFTEL) OR GOZ PRESSURE. ALTHOUGH WE MUST PROBABLY EVENTUALLY YIELD (EVEN IF GOR SHOULD WITHDRAW NOTE, DEFATT VISITS WOULD NOT BE USEFUL), I WISH ESTABLISH USG CANNOT BE TREATED LIGHTLY NOR ITS GOOD NATURE TAKEN FOR GRANTED.

7. I DO NOT PROPOSE DISCUSS MATTER WITH FRENCH AMB
HERE AND RECOMMEND SIMILAR COMMENT BE AVOIDED WITH FRENCH
MILATT KINSHASA. FRENCH DISPOSITION WOULD PROBABLY BE TO
GLOAT AND USE OUR PROBLEM FOR THEIR ADVANTAGE.FRITTS

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